

1275 Saginaw Avenue  
Vermillion, South Dakota 57069-6803

December 7, 2007

Steven M. Pirner, Secretary  
Department of Environment and Natural Resources  
State of South Dakota  
523 East Capitol  
Pierre, South Dakota 57501

**RE: Hyperion Refinery, Energy Plant and Connecting Pipelines**

Dear Secretary Pirner:

First, although this letter speaks indirectly on behalf of many, my direct standing is based in the fact that my farm and home is close to the periphery of the proposed Hyperion refinery and energy plant, and will also be affected by the routing of connecting pipelines, land drainage and highways. My family and many others like us will not lose our homes directly due to this project, but our homes and businesses will fall within the pollution shadow of it; our quality of life, our health and our property values are affected directly. At the core of the matter is the fact that our entire region is threatened with conversion from a productive agricultural area to a dirty, 19<sup>th</sup> and 20<sup>th</sup> century industrial zone.

I select these phrases carefully in order to emphasize that a great many solid South Dakota citizens and small businesses are affected directly by the permitting process that is being overseen by your Department.

Typically, permitting becomes a largely private matter between your Department and the permittee, save for the invisible business of legal publication and public hearing in response to a completed draft. In a case as large as Hyperion, I suggest a different approach. My neighbors, my family, and all of those thousands of South Dakota citizens whose lives will be overturned by this vast project can play a positive role *if allowed to do so*. For that to happen, however, your Department must commit itself to providing us a role equal to that of Hyperion's hired and numerous representatives. This unique case requires unique process.

We are aware that Hyperion's representatives are already working with your agency, and what we request is day-to-day access to the substantive content of those informal deliberations. I request that your staff keep a log in which it records the content of all discussions with Hyperion's representatives, and that this log be available to all affected citizens. I also request that your staff leave Pierre on a regular basis, drive to Union County, and provide public briefings on the status of the permitting process. It

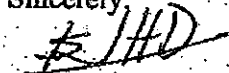
will not satisfy your constituents if you work up a draft permit in private and then suddenly announce some quick and dirty public hearing; that is no process at all. The people affected by this project are informed and sophisticated. They understand that "he who controls the planning process controls the outcome." They want to be part of the planning process from the beginning.

In addition, these citizens, my family included, have spent good money to hire chemical engineers and other experts who have instructed them on the practical inner workings of oil refineries, as well as the effects on the health and property values of those who reside and work in the vicinity of refineries. We are doing our job as citizens and insist on involvement in permitting from the outset and throughout.

Secretary Pirner, I feel certain that you are sympathetic with this request and the reasons for it, but putting it into practical effect will require a change in the normal method of doing business. That said, what is wrong with some innovation when it serves the interest of transparency in government, service to citizens, and an assurance that pollution of each and every sort will be held to the absolute minimum amount feasible?

All of us here will look forward to your response.

Sincerely:



John H. Davidson

Copies to:

Michael Rounds, Governor  
State of South Dakota

Mr. Robbie Roberts  
Director, EPA Region 8  
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Denver, Colorado 80210-1129